

IN THE DISTRICT COURT OF THE UNITED
STATES, FOR THE MIDDLE DISTRICT OF
ALABAMA, EASTERN ^{RECEIVED} DIVISION.

2007 MAR - 9 P 3:44

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

ALONZO AUSTIN)
Plaintiff,)
v.)
GLOBAL CONNECTION)
Defendant.)

3:07-cv-00042-MEF

RULE 56(a) MOTION FOR SUMMARY JUDGEMENT
Pursuant to Rule 9(b) Fraud - Rico Allegations

Comes Now, Plaintiff, Alonzo Austin and Moves this honorable Court to Consider the Following with Support there of.

1. That on November 11, 2005 the defendant, falsely and fraudulently and with intent to defraud the Plaintiff, represented to the Plaintiff, that if Plaintiff would agree to allow Defendant to draft Plaintiff's Credit Card Account for Monthly Local and Long Distance Services Plaintiff would receive 100 Long Distance Minutes Free. For doing so.

II

2. Those representations were false in fact and known to be false by the defendant, at the time they were so made, and in truth and in fact. The only Long Distance Minutes received by Plaintiff, were the Long Distance minutes paid for by Plaintiff.

3. Plaintiff, relied upon the representations and was thereby induced. The defendant, did draft Plaintiff, Credit Card For the Months of November 2005 and December 2005 With Plaintiff's, consent. However, defendant, did not provide the 100 Free Long Distance Minutes as promised And after daily and weekly demands by Plaintiff to defendant to add said minutes to the Long Distance Account without success Plaintiff informed Defendant of the Pending Termination on January 6, 2006, because Defendant's failure to provide the 100 Free Long Distance Minutes as promised which resulted in the damages demanded. Moreover Defendant ignored Termination Notice and acted intentionally, Willfully, Wantonly and Maliciously, for profit. and without Just Cause. When Plaintiff account was drafted on 1/06/2006 For \$46.99 See Exhibit A Attached

III

4. That Defendant executed this scheme to defraud by causing matters to be mailed and delivered by the UNITED STATES Postal Service. Namely the Monthly bill, thus the Defendant committed acts of Mail Fraud, indictable under 18 U.S.C. § 1341. Defendant also caused sounds to be transmitted by means of wire communications in interstate commerce resulting in wire fraud indictable under 18 U.S.C. § 1343 to plaintiff Credit Card Issuer. For monthly payments. And finally A check was mailed from Defendant to Plaintiff in the amounts \$21⁹⁹ on 1/12/06 with no explanation. See attached as exhibit B #1257.

5. That Defendants actions Constitutes "Racketeering Activity" within the meaning of 18 U.S.C. § 1961(1) and all of which Collectively Constituted part of a "Pattern of Racketeering Activity" within the meaning of 18 U.S.C. § 1961(5).

WHEREFORE, Plaintiff, Alonso Austin, demands damages of \$166⁹¹ Actual and \$30,000⁰⁰ in Exemplary Damages, Plus Interest and Cost, against Defendant.

Respectfully Submitted,
Alonso Austin, Pro Se

IV

CERTIFICATE OF SERVICE

I Alonzo Austin, hereby Certify
that I have served Copies of the
foregoing Documents upon the Defendants
by Placing Same in the UNITED STATES
Mail Postage prepaid on this 9th day
of March 2007 and Addressed to

GLOBAL CONNECTION INC. OF AMERICA
c/o MCKOON, THOMAS & MCKOON
925 Broad Street
P.O. Box 3220
Phenix City, Al. 36868-3220

Alonzo Austin
Alonzo Austin, Jr.
Alonzo Austin
1321 River-Carlis Rd.
Tuskegee, Al. 36083
(334) 727-5476

Account Number		Credit Line	
5490 9916 1669 9100		\$31,700.00	
Posting Date	Transaction Date	Reference Number	Category
			Transactions

PAYMENTS AND CREDITS		FEBRUARY 2006 STATEMENT		Changes	Credits (CR)
Posting Date	Transaction Date	Reference Number	Card Type	Category	Credit Line
01/18	01/09	4267 MC	C	PAYMENT - ELECTRONIC	1,750.00 CR
01/09	01/09	4977 MC	C	GLOBAL CONNECTION INC/ ATLANTA GA	46.99
01/10	01/09	0108 MC	C	FREEDOM COMMUNICATIONS 615-2292133 TN	70.38
01/10	01/09	2289 MC	C	WAL-MART #0356 SE2 AUBURN AL	47.24
01/10	01/09	2769 MC	C	AMP ACORN MEDIA PUBLIC 888-870-8047 MD	52.95
TOTAL FOR BILLING CYCLE FROM 01/08/2006 THROUGH 02/06/2006				\$217.56	\$1,750.00 CR

Exhibit A

CREDIT BALANCE PLEASE DO NOT PAY

IMPORTANT NEWS

ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER.

LOOKING TO SAVE ON YOUR AUTO LOAN? WHETHER IT'S A NEW LOAN OR REFINANCING AN EXISTING ONE, VISIT WWW.MBNA.COM/LOANS TO SEE HOW YOU COULD SAVE!

NEED THE PERFECT GIFT FOR YOUR VALUED EMPLOYEES, RESPECTED COLLEAGUES, OR CLOSE FRIENDS? FIND GIFT CARDS FOR EVERY OCCASION AT WWW.MBNAGIFTCARD.COM.

SUMMARY OF TRANSACTIONS

Previous Balance	(-) Payments and Credits	(+) Cash Advances	(+) Purchases and Adjustments	(+) Periodic Rate FINANCE CHARGES	(+) Transaction Fee FINANCE CHARGES	(=) New Balance Total	TOTAL MINIMUM PAYMENT DUE
\$1,452.76	\$1,750.00	\$0.00	\$217.56	\$0.00	\$0.00	\$79.68 CR	\$0.00

FINANCE CHARGE SCHEDULE

Category	Periodic Rate	Corresponding Annual Percentage Rate	Balance Subject to Finance Charge	For Your Satisfaction, Every Hour, Every Day
Cash Advances				• For Customer Satisfaction and up to the minute automated information including balance, available credit, payments received, payments due, payment address information, or to request duplicate statements, call 1-800-749-6885.
A. BALANCE TRANSFERS, CHECKS	0.024630% DLY *	8.99%	\$0.00	• For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3778.
B. ATM, BANK	0.069150% DLY *	25.24%	\$0.00	• Mail payments to: MBNA AMERICA, P.O. BOX 15207, WILMINGTON, DE 19886-5287.
C. PURCHASES	0.069150% DLY *	25.24%	\$0.00	• Billing rights are preserved only by written inquiry. Mail billing inquiries, using form on the back, and other inquiries to: MBNA AMERICA, P.O. BOX 15026, WILMINGTON, DE 19850-5026.

FOR THIS BILLING PERIOD:
ANNUAL PERCENTAGE RATE..... SEE ABOVE

* Periodic Rate May Vary

69-F-501
PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

USE011

5490 9916 1669 9100

6257 517 Y 6YK 0309 1300 00

PAGE 1 OF 1

GLOBAL CONNECTION INC. OF AMERICA

3957 PLEASANTDALE ROAD
DORAVILLE, GA 30340

Exhibit "B"
WACHOVIA
WACHOVIA BANK, N.A.
ACH RT 061000227
64-22610 44053

1/12/2006

PAY TO THE
ALONZO AUSTIN
ORDER OF

\$ **21.99

Twenty-One and 99/100*****

DOLLARS

VOID AFTER 90 DAYS



AUTHORIZED SIGNATURE

Security Features Included

Details on Back.

110125771# 10002271# 20000202345791#

MEMO